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New York

President:	Mr. Azad	(Bangladesh)
Members:	Argentina	Mr. Listre
	Canada	Mr. Fowler
	China	Mr. Wang Yingfan
	France	Mr. Dejammet
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mrs. Ashipala-Musavyi
	Netherlands	Mr. Hamer
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Holbrooke

Agenda

Maintaining peace and security: Humanitarian aspects of issues before the Security Council

00-33549 (E)

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The meeting was resumed at 3.45 p.m.

The President: I should like to inform the Council that I have received a letter from the representative of the Islamic Republic of Iran, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nejad Hosseinian (Islamic Republic of Iran) took a seat at the side of the Council chamber.

The President: The next speaker is the representative of Portugal. I invite him to take a seat at the Council table and to make his statement.

Mr. Monteiro (Portugal): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries, Cyprus and Malta, as well as the European Free Trade Association countries members of the European Economic Area, Iceland and Liechtenstein, align themselves with this statement.

The European Union welcomes Bangladesh's initiative to organize an open debate in the Security Council on this very important topic, which we view as being linked to the chain of thematic debates organized in recent months — all of which were aimed at addressing the serious problem of the humanitarian consequences of internal strife and conflict. We are particularly honoured to see you, Mr. Foreign Minister, presiding over this session.

These debates should, in our view, be considered as important steps in identifying possible actions to be undertaken by the Council aimed at preventing and, when necessary, putting an end to violence directed against civilian populations or the humanitarian personnel charged with assisting them. In its presidential statement of 12 February last year, this body expressed its willingness to respond to those situations. It is our hope that the findings and conclusions of the work done so far will lead the Council to decide on necessary action directed at deterring grave violations of international humanitarian law and human rights law and at fostering what the Secretary-General called in his latest report on the work of the Organization (A/54/1) a "culture of prevention".

The Union welcomed the Secretary-General's report on the protection of civilians in armed conflict (S/1999/957). The Secretary-General's pertinent recommendations need urgent consideration. The Security Council is expected to give its first response to the Secretary-General's report in April. That will offer the Council an opportunity to discuss the problems in a concrete manner and to make proposals on how to improve the United Nations system to deal more efficiently with threats to international peace and security.

We should bear in mind, however, that humanitarian assistance cannot resolve conflicts that in essence have political origins. That is why it is so important to address the root causes of conflicts. The promotion of economic and social development and the establishment and consolidation of democracy, good governance and the rule of law, as well as full adherence to and implementation of human rights and international humanitarian law, are of great importance in conflict prevention.

The Security Council, through early response, has a duty and an irreplaceable role to play in the prevention of conflicts and crises. When necessary, a preventive deployment or another preventive United Nations presence should be swiftly considered by the Council. The Council has an important role to play in preventing violent conflict, and this perspective should be a natural feature of the Council's agenda. In the case of massive and ongoing abuses, the consideration by the Security Council of appropriate enforcement action based on clear and identifiable criteria may also be necessary.

Massive and systematic breaches of international humanitarian law and human rights law can constitute a threat to peace and security and therefore demand the attention and action of the Security Council. As a matter of fact, this body has already adopted a number of resolutions in the aftermath of massive violations of human rights and international humanitarian law that it considered a threat to peace and security. There are several examples where the international community set aside its differences and united to exert pressure on violators of international humanitarian law and human rights law. We hope that this will become the norm in the future.

Increasing numbers of civilians, including women and children, have been specifically targeted or used as direct instruments of war. Non-compliance with binding obligations under international law by warring parties has become the norm in today's conflicts. The European Union is alarmed at the seriousness of the situation and deplores the persistent violations of international human rights law and humanitarian law. This situation is of course compounded by the lack of law enforcement mechanisms to which the international community can resort every time a serious violation of those norms and principles is committed.

In the fight against impunity, the European Union would like to stress the importance of the early activation of the International Criminal Court, and its important future role both in deterring grave violations of international humanitarian and human rights law and in bringing to justice those responsible for committing those crimes. We would urge all those who have not yet signed the Rome Statute to do so, and we urge all States to proceed to ratification as soon as possible.

It is a well-established principle of international humanitarian law that States have the primary responsibility to protect civilian populations from violence. Secure access to humanitarian assistance by all victims of armed conflict is a prerequisite of any humanitarian operation. State and non-State parties to a conflict are obliged to facilitate the provision of humanitarian aid and should cooperate fully to that end. There is also a responsibility on the part of the international community to facilitate the provision of humanitarian aid in cases where that obligation is not met. Denial of access to civilians in need, in breach of international law, and the targeting of civilian populations, which are often used as tools of warfare, must be condemned in all circumstances.

The European Union would like to encourage the Council to further act on the willingness expressed in the presidential statement agreed at the end of the debate last month (S/PRST/2000/4), and to be prepared to take all appropriate measures at its disposal to ensure the safety and security of humanitarian assistance missions and personnel — including the inclusion in peace agreements of provisions regarding safe and unimpeded access for humanitarian workers and supplies and the adoption of resolutions stressing that imperative.

The Secretary-General proposed in his report on the protection of civilians in armed conflict that the failure to comply with those obligations should result in the imposition of targeted sanctions. The European Union would like to encourage the Council to further develop standards and rules aimed at minimizing the humanitarian impact of sanctions.

The European Union wants to underscore the need to ensure safe and unimpeded access by United Nations or other humanitarian personnel to all those in need. The European Union would like to recognize at this juncture the extremely important role played by United Nations agencies and other humanitarian organizations — with special reference to the International Committee of the Red Cross and non-governmental organizations — in the delivery of humanitarian assistance to populations in need.

Much has been said about the changing nature of conflicts and the fact that the majority of casualties are innocent civilians, who are quite often utilized as instruments in the complex dynamics of conflicts. In this context, the European Union would like to encourage the Secretary-General to resort more often to the prerogative given to him by Article 99 of the Charter, in which he is invited to bring to the attention of the Security Council any matter that in his opinion may threaten the maintenance of international peace and security. For that purpose, we are of the opinion that it would be indispensable to improve and use the capacity of the Secretariat to enable the Security Council to consider ways in which it might regularly monitor potential conflicts or massive violations of human rights and humanitarian law, either through the use of existing mechanisms, such as the International Fact-Finding Commission, or by other means.

A number of other measures have been identified that can help alleviate the suffering of these hapless populations. Curbing the excessive and uncontrolled accumulation and spread of small arms and light weapons is certainly one of them, given their potential to augment violence against civilians, increase the suffering of those affected, hinder post-conflict reconstruction efforts and reduce the prospects for sustainable development. The European Union encourages the Security Council to consider using its powers in a more decisive way to impose arms embargoes at the early stages of emerging crises.

As to the use of anti-personnel landmines, the European Union wants once more to emphasize the importance it attaches to the full and speedy implementation of the Convention on the Prohibition of

the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. We are especially alarmed by the re-mining that is taking place in various conflicts. The European Union urges all parties concerned to stop this practice.

All States parties to the Geneva Conventions have an obligation to teach and disseminate humanitarian law to their military forces and, conversely, there is an obligation for these forces to respect those principles and laws.

The European Union recognizes the value of including a humanitarian dimension into multidimensional peacekeeping operations. Human rights tasks and humanitarian assistance, as well as other relevant conflict prevention and peace-building components — if they are to be included in the mandates by the Security Council — must be fully integrated into the planning of peacekeeping operations and their functions made clear from the start. Coordination of these components with others in peacekeeping operations and the attribution of the necessary resources available to achieve the mandates given are prerequisites for success.

We look forward to the comprehensive study on peacekeeping operations that the Secretary-General has just commissioned.

The European Union would like to encourage the Council to further consider modalities for the implementation of measures aimed at effectively separating combatants from civilians in camps designated for internally displaced persons or refugees. It is essential that international efforts are made to guarantee the humanitarian nature of such camps. Equally important is that refugees and internally displaced persons are placed at a reasonable distance from areas of conflicts or the borders. In this respect, the European Union would like to support a wider use of the Guiding Principles on Internal Displacement, as well as the inclusion of its provisions in the mandates of United Nations operations.

We would also like to encourage the Secretary-General to continue to actively seek to ensure that the rights and the welfare of the child are afforded high priority in peace negotiations and throughout the process of consolidating peace in the aftermath of conflict. The European Union commends the inclusion of children's concerns in the peace agendas already adopted or in the process of being discussed for Burundi, the Sudan and Sierra Leone. The European Union would also like to highlight the recent conclusion of the additional Protocol to the Convention on the Rights of the Child on child soldiers, which raised the age of participation in armed conflicts to 18 years.

The Secretary-General has suggested the establishment of safe corridors — or security zones — for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes. We would like to encourage him to further develop modalities for the implementation of this recommendation.

With regard to confidence building, effective information is vital. The United Nations should therefore enhance its public information capability at the field level, namely through the inclusion of public information components at the planning stage of peacekeeping and peace-building operations. In this respect, it is also crucially important to prevent the media from being used as a tool of conflict.

Some developments have taken place recently to better coordinate humanitarian assistance and make it more consistent with the broader United Nations peace and development agenda. An example of this is the continuous development of the strategic framework approach designed, in part, to ensure that humanitarian assistance supports overall peace-building activities.

The strategic coordination of humanitarian actors at the field level should be further improved, including through better articulation of the responsibilities of both humanitarian resident coordinators and the special representatives of the Secretary-General. A recent welcome development in this issue was the elaboration of a "Note of Guidance" intended to establish clearer reporting requirements and lines of authority, as well as ensuring that United Nations humanitarian assistance is consistent with the broader United Nations peace and development activities.

The consolidated appeals process is an important strategic planning tool that facilitates the promotion of transition from relief to development. In this respect, the European Union would like to encourage the relevant Secretariat departments to reinforce linkages between the consolidated appeals process and the United Nations Development Assistance Framework (UNDAF) process when the two are being used together, as this will further enhance the cooperation and joint planning between relief and development activities.

Let me conclude by saying that we have already done much of the work needed to identify the actions necessary to prevent unwarranted human suffering. What we have lacked is the political courage to take those decisions. An immense effort will be required to overcome old, ingrained habits, but that should not discourage us from taking on this fight in favour of humanity.

The President: I thank the representative of Portugal for his kind words of welcome. The next speaker inscribed on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Kumalo (South Africa): It is a tremendous joy to see you, Sir, up there, and I am delighted that you came all the way to this meeting. I wanted you to know that those of us in the Non-Aligned Movement are really pleased at what your delegation has been doing in the Security Council. They are doing such a good job that some of us are even thinking of not joining the Security Council.

The meeting today comes at a very important time. Even though the subject is not quite related, our hearts go out to our neighbours in Mozambique and in Zimbabwe, who are devastated by the floods that have taken place in that part of the world. Our hearts go out to them. I could not pass up this opportunity to mention them, even though the subject here may be slightly different.

The Security Council has often witnessed in the past how a breakdown in peace and security in many countries invariably leads to humanitarian crises. These humanitarian crises in turn can fuel further instability and a breakdown in security.

One of the things that could be said about the Security Council is that it has an undeniable role to play in support of humanitarian activities. Already the Council refers to humanitarian situations in its decisions and communications on conflict situations around the world. These references highlight humanitarian difficulties and add political authority to efforts to address them.

While the Council has a role to play in humanitarian activities, we believe its actions should in no way undermine the principles of impartiality related to humanitarian assistance.

In Article 1, the United Nations Charter states that the purpose of the United Nations is, amongst others,

> "To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace".

It further sets out:

> "To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character".

South Africa sees the role of the Security Council in humanitarian activities as twofold.

The first role, which it currently performs, is to focus attention on humanitarian aspects resulting from conflict situations. In this regard, we believe that the humanitarian dimension should also be incorporated at the earliest stage in the formulation of peacekeeping mandates. Care should be taken to keep a clear distinction between peacekeeping and humanitarian activities.

The Council's second role, which we believe could be strengthened, underscores the need to address the safety and security of humanitarian personnel. Clearly, with the increase in intra-State conflicts, there is greater pressure than ever on the United Nations to provide humanitarian assistance. South Africa participated in the Council debate on this issue in February 2000. We still believe that stronger action is needed on this issue, as criminal activities against humanitarian personnel have yet to stop.

South Africa therefore supports three specific recommendations, which we believe the Council could implement. The first would be to undertake more concerted efforts to obtain commitments on unhindered access to civilian populations in conflict situations. The second would be to establish a system of monitoring such access, as well as criminal activities directed at humanitarian personnel. We propose that the Council invite the relevant United Nations bodies to report on a quarterly basis, in an open meeting, on humanitarian issues. Lastly, the Council could develop stricter measures and credible mechanisms to enforce penalties on parties who persistently, and with impunity, commit crimes against humanitarian personnel.

South Africa believes that the Council can also play a positive role in calling on the international community to provide resources for humanitarian activities. By

focusing attention on humanitarian crises which have resulted from conflict situations, the Council can inspire the international community to provide much-needed resources where they are lacking.

Ultimately, the Security Council should, in our view, promote a safer working environment for humanitarian personnel and, where appropriate, provide support for humanitarian activities.

The President: I thank the representative of South Africa for his warm words of welcome. His specific recommendations are very important and need our attention.

The next speaker is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Lunde (Norway): Norway welcomes the initiative of Bangladesh in organizing an open debate in the Security Council on the subject of humanitarian action. This debate will no doubt serve as a very useful continuation of the thematic deliberations in the Council on the humanitarian implications of conflicts.

Humanitarian action will not prevent the recurrence of mass suffering and cannot be a substitute for political action. The best remedy to curb the occurrence of conflict and violence will always be prevention. Norway therefore fully supports the Security Council's renewed emphasis on preventive measures. We expect this to increase capability to prevent violence against civilians and humanitarian personnel. What the Secretary-General has referred to as a "culture of prevention" must be instilled.

The Security Council should therefore carefully and consistently consider measures such as preventive deployment or other forms of United Nations presence on the ground. We urge the Secretary-General to make full use of Article 99 of the Charter, whereby he can bring to the attention of the Security Council any matter he deems may threaten the maintenance of international peace and security. This requires the establishment of mechanisms for early warning to provide time and opportunity for effective preventive diplomacy and pre-emptive conflict mediation. A regional perspective should constitute an integral part of such efforts.

Internal war typically evolves from a wide or growing gap in political participation and distribution of economic assets. Therefore, building formats of governance that promote tolerance and assure negotiation and compromise are the best tools we have to prevent violence from recurring in fragile societies that are in transition from civil strife to peace. While meeting humanitarian needs, we must also aim to deal with the underlying causes of poverty and inequity. This requires us to view our humanitarian involvement in relation to our other efforts for peace, human rights, democracy and development. It implies strengthening systems of governance that are transparent and accountable and that encourage participation by an active civil society.

Gross violations of human rights, grave breaches of international humanitarian law, crimes against humanity and acts of genocide can threaten international peace and security and necessitate the attention and action of the Security Council. Awareness of the vital interplay between the international protection of human rights and measures to maintain or restore international peace and security is gaining ground. The Security Council should be prepared to contribute to ending violence against civilians and humanitarian personnel by appropriate enforcement action. This is already manifest in the response of the Security Council to the conflicts in the former Yugoslavia, Somalia, Rwanda and East Timor; the Council has invoked Chapter VII of the United Nations Charter to react to such situations. The threat or use of force in international relations must have a legal basis in the Charter of the United Nations. A difficult humanitarian situation may be part of the Security Council's assessment of whether a situation is a threat to international peace and security. It is not, however, in itself a sufficient legal basis for the threat or use of force.

The United Nations should develop a united approach to violations of human rights and humanitarian crises. This will enable it to meet the immediate human concerns, to promote the overall credibility of the Organization and to deter possible future perpetrators from premeditated action or indifference. A common international understanding or norm would allow the United Nations to respond to human rights abuses and humanitarian crises in a timely and appropriate manner.

By responding with the apposite means and ensuring judicial follow-up to crimes against humanity, genocide and violations of international humanitarian law, the United Nations can provide deterrence against wayward action and enhance protection of civilians, relief workers and military personnel. We must ensure that war crimes and crimes against humanity are prosecuted. The adoption of the Statute of the International Criminal

Court in Rome in the summer of 1998 was a major achievement. Now, our efforts must be focused on seeking the speedy entry into force and implementation of that document. Norway also hopes for the broadest possible acceptance of this new institution by individual States.

Protection of civilians is a national obligation. States therefore have a common responsibility to revitalize a universal commitment to the principles of international humanitarian law. The Security Council should take all appropriate measures to ensure safe and unimpeded access to those in need and to safeguard all personnel involved in humanitarian assistance. The recommendations made by the Secretary-General in his report on the protection of civilians in armed conflict (S/1999/957) should be considered by the Security Council at the earliest possible juncture.

The uncontrolled, illicit spread of deadly tools of war, such as small arms and anti-personnel mines, fuels the horror of conflict. The prevailing effect seems to be the brutalization of the community at large. The Security Council should consider appropriate ways to curb the illicit spread of small arms. International cooperation between the many international, governmental and non-governmental organizations involved in humanitarian action is important, and has significant scope for improvement. A universal organization such as the United Nations carries a special responsibility in this regard. Improved cooperation is also paramount in building a systematic relationship between humanitarian action and longer-term development assistance and effective and democratic peace- building. There must be coherence in international humanitarian action, peace-building and long-term development efforts.

International sanctions are highly complex and riddled with dilemmas. The Security Council should continue its search for more effective sanctions through improved targeting on a case-by-case basis, while seeking to minimize the humanitarian impact of sanctions. Targeted sanctions should also be applied as a component of an overall comprehensive strategy for conflict resolution.

The President: I thank the representative of Norway for his kind words addressed to me and my country.

The next speaker is the representative of Colombia. I invite him to take a seat at the Council table and to make his statement.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): I should like to thank you, Sir, for joining us to preside over today's meeting of the Council for an open debate on the humanitarian aspects of the work of the Security Council. I should also like to thank the Secretary-General for the statement he made to us early in the meeting.

The holding of open debates, with the participation of countries that are not members of the Council, is something that my country values because it allows the Council to acquaint itself with the views of a large number of Members of the United Nations. The benefit of these debates is even greater when the topics under consideration are closely linked to the functions of the Council itself.

We acknowledge and share in the legitimate concern of the Council and of the international community at the magnitude and frequency of recent humanitarian emergencies. Some have been the result of deep-rooted social conflict; while others have given rise to conflicts that have, on various occasions, drawn the attention of the Council in its capacity as the organ responsible for the maintenance of peace. In either case, humanitarian emergencies challenge human solidarity and cry out for the right response.

We are convinced, however, that the Council will be unable properly to fulfil its mission of preserving international peace and security if it assumes the role, outside the scope of the Charter, of directing the response of the entire United Nations system to humanitarian emergencies. The attention paid to emergencies associated with any conflict must extend beyond the peacekeeping operations available to the Security Council. The approach must also encompass actions aimed at promoting economic and social development for the population that fall to other organs of the United Nations system, in particular the General Assembly and the Economic and Social Council.

Any humanitarian activity is ultimately an individual or collective response to human suffering. That is why there is a range of different responses to humanitarian emergencies. Some come from States themselves, others from the United Nations, the International Committee of the Red Cross or various humanitarian organizations. As far as the United Nations is concerned, General Assembly resolution 46/182 clearly reflects the Organization's ideal of humanitarian assistance, spelling out the criteria of humanity, neutrality and impartiality, as well as the prior consent of States receiving assistance.

We need to emphasize that action to address humanitarian emergencies requires both the consent and the cooperation of the State affected. Thus, when the Council acts through peacekeeping operations, it should take a number of factors into account. First, it must consider each case on an individual basis. Secondly, it must ascertain whether the circumstances are attributable to the State itself or to non-state actors. Thirdly, it must draw a clear distinction between States that cooperate with the international community and are part of the solution in overcoming a humanitarian crisis and those that do not and are therefore a part of the problem.

We should also ask ourselves whether the international community bears a special responsibility in remaining indifferent to manifest humanitarian emergencies even when a State has given its consent to action. Certain emergencies seem to attract more attention and resources than others, not always commensurate with the scale of the humanitarian situation; sometimes, they depend on the region in which the emergency takes place or on the publicity it receives in the communications media.

In order to bolster existing emergency response mechanisms, we need to hold the debate in an arena in which all Members of the United Nations participate. Otherwise, the actions of the Council could lead to confusion among States Members and other organs of the system, and might even exacerbate existing conflicts. Let us remember, for example, the ongoing debate on the humanitarian consequences of the sanctions imposed by the Council.

In conclusion, allow me once more to express my thanks for the opportunity to participate in this debate. I should like once again to express my delegation's wish that the matter be debated within the General Assembly, where all States Members can work together to give humanitarian action the proper guidance that the United Nations currently requires.

The President: I thank the representative of Colombia for the kind words he addressed to me and my country.

The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Ahmad (Pakistan): I would like first of all to express our thanks to you, Sir, for arranging today's debate on humanitarian aspects of the Security Council's role in maintaining international peace and security. We are particularly happy to see you in the chair as the Foreign Minister of an important country of our region, presiding over this important meeting on a subject of global concern with direct relevance to our own region.

Violence is an unfortunate and unacceptable by-product of wars and armed conflicts. The Secretary-General, through his reports, has repeatedly invited the attention of the States Members of the United Nations to the humanitarian consequences of conflicts in various parts of the world. His reports and the numerous debates in the Security Council on the subject have highlighted the magnitude of the problem and the threat it poses to international peace and security. It is our collective responsibility to ensure respect for international humanitarian law with a view to alleviating the suffering of people in conflict situations and to enhancing the global peace and security environment.

We believe that the most prudent and tested method of conflict resolution is through recourse to preventive diplomacy, as outlined in Chapter VI of the Charter of the United Nations. Pakistan believes that prevention is better than cure. This was best described by the Secretary-General in his lecture at the World Bank last October, when he said that the costs of prevention have to be paid in the present in order to draw benefits for the future by avoiding wars and disasters.

In our view, it is imperative that the international community, in particular the Security Council, address the root causes of conflicts and disputes and not merely attempt to treat the symptoms. Only then can preventive action yield the desired results.

In the post-cold-war era, the nature of conflicts has changed significantly, both within and between States. It is a painful reality that over a million people die each year in various conflict areas around the world. During the last decade, 2 million children have died as a result of armed conflicts and 12 million more have been rendered homeless in 30 conflict situations.

Another unfortunate consequence of conflicts is that there are over 30 million refugees in the world. Pakistan itself was host to more than 4 million Afghan refugees for over a decade during the Afghan war against foreign occupation. Currently, we continue to carry the burden of 1.5 million Afghan refugees.

Any study of wars and conflicts clearly shows that poverty and underdevelopment have accentuated conflicts.

This has been true in the post-cold-war era conflicts. It is a commonly held view that the best way to promote adherence to universally agreed humanitarian law in today's conflicts is through the implementation of the right to development and through poverty eradication. There is also a need to undertake long-term strategies by creating an enabling international economic environment in pursuit of the goal of poverty eradication.

The Secretary-General has advocated international preventive action in all humanitarian emergencies as a consequence of wars and conflicts. We must be clear and certain about the purpose, scope and legitimacy of such an enterprise. The prospects of preventive action must be studied within certain fundamental parameters.

First, the principle of State sovereignty and non-interference and non-intervention in the internal affairs of States must be respected. However, this principle cannot be extended to situations where people under colonial rule, foreign occupation or alien domination are struggling for their inalienable right to self-determination.

Secondly, for humanitarian action to find general acceptance, it must have legitimacy under international law. Such action must fully conform to the provisions of the United Nations Charter and be undertaken only with the explicit authority of the Security Council, after a clear breach or threat to international peace and security has been established.

Thirdly, a clear distinction must be maintained between, on the one hand, humanitarian crises as a result of wars, conflicts or disputes which by their very nature constitute threats to international peace and security and, on the other hand, other human rights issues. The latter fall within the purview of the United Nations human rights system and not of the Security Council.

Fourthly, the central role of the General Assembly as the only body with universal representation in the United Nations system must be maintained and in fact strengthened. There should also be no encroachment by the Security Council on the role of other United Nations bodies. The Security Council must operate strictly within its mandate. Principles should take precedence over expedients.

Fifthly, the Secretary-General may continue to play an active role in conformity with the responsibilities entrusted to him by the Charter.

International humanitarian action as a preventive measure can be credible only if applied without discrimination to all situations. There should be uniform criteria for involvement of the United Nations. It must be based on the principle of equal justice for all. Selectivity will erode the confidence of the international community in the United Nations.

The Security Council, which has the primary responsibility in the maintenance of international peace and security, has not always acted on the basis of the objective requirements of a situation. It has failed, for example, to address long-standing conflicts with massive human suffering and systematic violations of international humanitarian law in a timely and effective manner.

This has held true in the conflicts in Bosnia and Herzegovina, Kosovo, Rwanda, Jammu and Kashmir and elsewhere. In the case of Jammu and Kashmir, which is not a dispute over territory but concerns the destiny of 12 million people, India continues to use brutal force to suppress the indigenous and legitimate struggle of the Kashmiris for their right to self-determination, as promised to them under the relevant Security Council resolutions. Kashmir is kept under subjugation by over 650,000 Indian troops. According to the All Parties Hurriyet Conference, the sole representative of the Kashmiri people, over the past decade more than 70,000 Kashmiris have been killed, 15,000 women and girls have been raped as a strategy of war, hundreds have been subjected to torture and thousands more are languishing in prisons. Custodial deaths, summary executions and disappearances are routine occurrences. There are few parallels in the annals of recent history for the Indian repression and State-sponsored terrorism against innocent Kashmiri men, women and children.

Selectivity in the implementation of the resolutions of the Security Council also raises serious questions about the Council's credibility. All resolutions of the Security Council must be treated with equal importance, and they must be implemented without any discrimination. The Council's resolutions on Jammu and Kashmir have remained unimplemented for more than half a century. The progress achieved in East Timor must serve as a model for resolving the dispute over Jammu and Kashmir in conformity with the wishes of the Kashmiri people. There cannot be different criteria for United Nations involvement in similar or identical situations.

The United Nations has often been subjected to strong criticism for not being able to effectively respond

to crisis situations. This lack of response has been owing to various reasons, including lack of determination on the part of the members of the Security Council, ineffective early-warning mechanisms, unreliable sources of information, restricted access to the conflict areas and inadequate preparations in terms of the availability of resources and personnel. We must therefore evolve a uniform strategy and strengthen the United Nations capacity, not only for crisis prevention and conflict resolution, but also for early and effective response to crisis situations irrespective of their geographic locations, in strict conformity with the Charter.

In recent years, the Security Council has been bypassed because of its failure to fulfil its primary responsibility due to differing perceptions among its members as to the proper course of action in response to a serious breach of or threat to international peace and security. Last year, the North Atlantic Treaty Organization was forced to take unilateral action against the Federal Republic of Yugoslavia in order to prevent massive and systematic violations of human rights in Kosovo. This development has also led to calls for streamlining the working practices of the Security Council.

The credibility of the Security Council is undermined each time it ignores a conflict and leaves it to the parties to resolve, or when regional organizations are asked to field for the United Nations. While cooperation between the United Nations and the regional organizations should be improved, we firmly believe that the regional organizations can play a limited role in the prevention of armed conflict in consonance with Chapter VIII of the United Nations Charter. In our view, the United Nations must play a more proactive role in the peaceful settlement of disputes and conflicts that cause humanitarian suffering and massive destruction.

I would like to conclude by expressing the hope that today's debate will contribute to the adoption by the Security Council of effective approaches to fulfilling its primary responsibility concerning international peace and security, as envisaged in the Charter of the United Nations.

The President: I thank the representative of Pakistan for the kind words he addressed to my country and to me.

The next speaker is the representative of Austria. I invite him to take a seat at the Council table and to make his statement.

Mr. Pfanzelter (Austria): I would like to express the gratitude of my delegation for the very positive initiative of the Bangladesh presidency to hold this open debate on "Humanitarian aspects of issues before the Security Council". Needless to say, and as previous speakers have already stated, it is a very special privilege for a Permanent Representative in New York to take the floor under the presidency of the Foreign Minister of Bangladesh.

On behalf of the Austrian delegation, I would like to state that of course we fully align ourselves with the statement made by the presidency of the European Union. I would like to make a few additional remarks, however, in Austria's capacity as Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE).

There is a consensus around this table that one of the most acute challenges we are facing today is how to act in humanitarian emergencies. There is also a convergence of views that a broad approach, embracing all policy instruments, is needed. This approach must include early warning, preventive diplomacy and effective means to address the root causes of conflicts. As has been stated, the concept of peace and security has as a result become more people-centred. The well-being of individuals and communities must therefore be the focus of our actions.

As a consequence, the effective conduct of humanitarian activity has to be a top priority of Member States. International organizations must be in a position to bridge the gap between early warning and early action. Last year's OSCE summit in Istanbul focused on the need to address humanitarian challenges quickly and effectively.

As Council members are aware, the OSCE plays an important role in early warning, crisis management and post-conflict rehabilitation. Its comprehensive strategy addresses root causes of humanitarian crises, with a view to developing creative, forward-looking solutions. Austria, as Chairman-in-Office of the OSCE, has put a strong emphasis on key issues such as the proliferation of small arms, the impact of armed conflict on children and the problems of internal displacement. The Guiding Principles on Internal Displacement and their integration into the work of the OSCE is one of our priorities.

A very important initiative to bridge the gap between early warning and early action is the OSCE's

Rapid Expert Assistance and Cooperation Teams (REACT). REACT is a mechanism to identify, select and quickly deploy civilian experts to assist States in conflict prevention, crisis management and post-conflict rehabilitation. A task force has been set up to make the programme operational by the end of this year.

The OSCE is becoming increasingly involved in facilitating the delivery of humanitarian aid by international organizations and non-governmental organizations to people in need of assistance and protection and in providing assistance for the return of refugees and displaced persons to their homes. To enhance cooperation between humanitarian agencies, the OSCE Chairperson-in-Office met recently with the President of the International Committee of the Red Cross and senior officials of the Office of the United Nations High Commissioner for Refugees (UNHCR), with the aim of improving cooperation and swift action in humanitarian emergencies in the OSCE region. UNHCR participates in the work of the Permanent Council of the OSCE in Vienna.

The OSCE also welcomes the important role of non-governmental organizations as crucial partners of Governments and the international community in the humanitarian field. To give an example, the OSCE has just opened a resource centre for the development of non-governmental organizations in Kosovo. In addition, we intend to strengthen and deepen the dialogue with civil society on the occasion of the upcoming OSCE meetings and seminars.

Permit me to address a further point: the cooperation among international organizations in the field of humanitarian action. Recent examples have demonstrated that close cooperation between international organizations can be mutually beneficial and enhance the impact of initiatives. The current cooperation between the OSCE and the United Nations in places such as Kosovo, Tajikistan, Georgia and Bosnia is a good example. The multitude and complex nature of the problems the international community faces in Kosovo can hardly be solved by one organization on its own.

The OSCE Chairperson-in-Office, our Foreign Minister, Mrs. Benita Ferrero-Waldner, is undertaking efforts to strengthen the close relationship between the OSCE and the United Nations. She recently visited Kosovo and will soon come to New York in order to identify further possibilities of enhancing cooperation between the organizations, especially in the field of humanitarian action and assistance.

The President: I thank the representative of Austria for his kind words addressed to my country and to me.

The next speaker is Mr. Jenõ Staehelin, Permanent Observer of Switzerland to the United Nations, to whom the Council has extended an invitation. I invite him to take a seat at the Council table and to make his statement.

Mr. Staehelin (Switzerland)(*spoke in French*): First of all, I would like to thank you, Mr. Minister, as well as the Bangladesh delegation, for having organized this open debate on the humanitarian aspects of issues before the Security Council in the context of the maintenance of peace and security. The number of statements made today in this Chamber, beginning with that of the Secretary-General, underscores the timeliness and the relevance of this topic.

At the present time, an armed intervention of the United Nations is sometimes the only possible solution to quell massive, repeated and deliberate violations of human rights and international humanitarian law. Switzerland considers that the Security Council must be able to fully assume the functions and responsibilities assigned to it by the United Nations Charter. While it is generally recognized that this type of international operation involves a humanitarian component, that component cannot and must not be confused with the military and political aspects of a mandate.

Humanitarian action cannot replace political action. Furthermore, without a political solution as a foundation for a stable and peaceful future, there is a risk that humanitarian action may provide only immediate and provisional answers and that it may be unable to realize its full stabilizing and integrating potential for the reconstruction of societies affected by conflict. For this reason, too, all of the actors present during and after a conflict should be prepared to manage the transition from an emergency phase to the period of reconstruction and rehabilitation that, as we all know, is always delicate and fragile.

My delegation is of the view that, to ensure a comprehensive approach that takes account of the various aspects of a crisis, the humanitarian dimension should be integrated from the very start of planning and mounting a peacekeeping operation. Switzerland will follow discussions on this subject with interest.

With respect to humanitarian actors, better coordination is necessary. But coordination is also essential between humanitarian and political actors. The development of strategic frameworks, such as the one adopted for Afghanistan, responds to this need and seems to us a good instrument. These efforts should be continued.

Moreover, the attention and the resources of the international community should be mobilized in comparable terms in crisis situations and in the period of transition towards the solid and sustainable reconstruction of societies affected by a conflict. The consolidated appeals mechanism is an important planning tool. For its part, Switzerland endeavours to ensure an equitable allocation of the resources and means it provides for the various phases of a crisis. Likewise, Switzerland endeavours to ensure balanced regional distribution of these resources and means.

Humanitarian action is necessary, first and foremost because of the serious violations of international humanitarian law of which we are regular witnesses through the media. Switzerland, as depositary of the Geneva Conventions and their Additional Protocols, attaches special importance to respect for this law.

The people affected by conflict are more and more the civilian population, particularly women and children. The proportion of civilians among those affected is constantly increasing, and has reached, in certain recent conflicts, an alarming figure of more than 90 per cent. Given the large number of non-international conflicts, Switzerland would like to recall here that the Geneva Conventions also contain certain rules that are applicable to these types of conflict.

Furthermore, it is indispensable to seek out new ways and means to exert greater pressure on the parties to a conflict to prevent violations of humanitarian law and to combat the impunity of the perpetrators. In that context, Switzerland calls upon the States parties to the Geneva Conventions and their Additional Protocols to fully assume their obligations for the suppression of such crimes at the national level. It urges them to cooperate fully with the International Criminal Tribunals for the former Yugoslavia and Rwanda. Switzerland looks forward to the early entry into operation of the International Criminal Court.

Full respect for the principles of humanity, impartiality, neutrality and independence is a necessary condition in order for emergency assistance to reach the people in need — whether they be injured persons, civilian populations or prisoners. It is imperative that all parties to a conflict guarantee unhindered access to victims, whether that conflict is domestic or international, and that they guarantee the security of the personnel of humanitarian organizations. Denial of humanitarian access in violation of international law is inadmissible. Without secure, immediate and full access to victims, humanitarian assistance may be manipulated or may simply not be provided.

Switzerland is convinced that an extensive dissemination of humanitarian law and principles can make a tangible and positive contribution to the promotion of a culture of peace, reconciliation and understanding among people and countries.

The President: I thank the Permanent Observer of Switzerland for his kind words addressed to me and to my country.

The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Pal (India): It is a particular pleasure to see you, Sir, presiding over the Council. It is of course a pity that I cannot speak to you in the mother tongue that we share. As this is the first time my delegation has spoken in the Council this year, permit me to congratulate your delegation, as well as those of Jamaica, Mali, Tunisia, and Ukraine, on being elected to the Security Council.

Until this morning, we thought that we were being invited to speak on "The maintenance of peace and security: humanitarian action and the Security Council". This was itself the third recension of the theme. Today, we see that there has been a further change, and the Council is in fact discussing "Maintaining peace and security: Humanitarian aspects of issues before the Security Council". The fact that the 15 members of the Council have so clearly been unable to agree even on wording shows how controversial the underlying concept is. Humanitarian action seems to have become, in the Council, the love that dare not speak its name.

Though fudged, the theme still poses a question that has not yet been answered. In almost any issue that has to do with human beings there must be a humanitarian aspect, but does that permit the Council to take humanitarian action? No one has defined what humanitarian action means, and the jury is out on whether actions described by the actors as humanitarian

have been helpful. Some actions, driven only by humanitarian concerns, have had disastrous consequences — the road to hell is paved with good intentions. Others, essentially self-serving, have provided some humanitarian benefits, and therefore have been passed off as humanitarian action. Many of those could indeed be described as issues having humanitarian aspects.

The Security Council is a creature of the United Nations Charter. The Charter, which in Article 24 conferred on the Security Council primary responsibility for the maintenance of international peace and security, set out in some detail in Chapters VI, VII, VIII and XII what it could do to discharge its mandate. Nowhere does it speak of humanitarian action or aspects. It would of course be immediately argued that neither is peacekeeping mentioned in the Charter, though that is now the bread and many-flavoured butter of the Council's work. The crucial difference is this: Article 24 also made it clear that the Security Council acts on behalf of the membership of the United Nations, and this wider membership agreed that peacekeeping should be set up as a practical instrument. On what humanitarian action is, and whether the Council should have a role in it, there is no such agreement; the debate in the General Assembly last year made that clear.

It also became clear from that debate, and from what we have heard today in the Council, that those who advocate humanitarian action believe it should be used in three broad scenarios: against massive violations of international humanitarian law, to stop serious and widespread abuses of human rights and to provide relief for acute human suffering. Does the Council have a role here?

Humanitarian laws are codified in the Geneva Conventions of 1949. Though adopted soon after the United Nations was set up, there is no mention in them of the United Nations or of a role for any of its organs. This was not by accident. We are signatories to the Conventions, we abide by them, and we believe that they must be universally respected. It is true that terrible violations have been committed, including in 1971, on the territory of your country, Mr. President, Bangladesh. You must have therefore listened with astonishment to the Permanent Representative of Pakistan's vapourings about human rights violations. But the Conventions have inbuilt provisions to deal with contraventions and abuses. None of them call for action by the Security Council.

Human rights are also increasingly codified. Starting with the Universal Declaration of Human Rights, we moved on to the two International Covenants and to the many conventions and their protocols that now protect human rights and lay down the process through which lapses are dealt with. None of these instruments, which legally bind those who are party to them — which most States are — ask the Security Council to act even when there are major violations of their provisions. Human rights continue to evolve, but the most authoritative, recent and comprehensive statement of the collective view of the international community is the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held in Vienna in 1993. In the preparatory process for the Conference, a linkage between human rights and peacekeeping was specifically discussed, and rejected.

Because there is no comparable legal framework for humanitarian relief, it might seem to be a greyer area, but it is the sovereign right of a State to determine whether it needs humanitarian assistance or not. If it chooses not to, it can hardly be forced by the Council, or any other body, to ask for or to accept it. Coercion or the use of force would be wrong in law, violating Article 2, paragraph 7, of the Charter. International law, as it stands today, is clear. There is no provision in it for humanitarian intervention, which is shorthand for a right to take humanitarian action. As examples I offer the following.

The 1970 Declaration concerning Friendly Relations rules out any use of force between States not explicitly permitted in the United Nations Charter and prohibits intervention in the domestic jurisdiction of a State for any reason whatever.

In the 1986 Nicaragua case, the International Court of Justice ruled that the Declaration reflects the prohibition on the use of force under customary international law and rejected what was in effect claimed as a right of humanitarian intervention.

In the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe, the participating States adopted a Declaration on Principles, in which they resolved to refrain in their bilateral and international relations from the threat or use of force, emphasizing that

> "No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle."

International law, like any other law, changes and evolves. As it presently stands, though, if the Security

Council took humanitarian action, it would violate international law, not stretch it. In addition, there are two important reasons why the Council should be discouraged from going down this path.

First, when the Council acts under Chapter VII, all Member States have to respect its decisions. Even an action illegal under international law would be legitimized if the Council authorized it. The wider membership, on whose behalf it acts, might disagree, but would be powerless to undo the damage to law. Therefore the Council must not act in ways that would change, undermine or seek to develop international law; that is not its function, and it has been given no such power by the Charter.

Secondly, if it decided to authorize or to take humanitarian action, the Council would claim to act on behalf of the international community. However, the Council's membership is unrepresentative, and in its methods of work it does not welcome or accept the views of the wider membership. These are problems that are the subject of ongoing debate elsewhere. There would be well-founded fears that the Council would act not for humanitarian, but for less lofty, reasons.

We are told that it is all very well for us, in the comfort of New York, to debate the finer points of law, but when there is intolerable human suffering the international community cannot just sit back; it has the right to take humanitarian action to save lives and relieve suffering. Since all societies agree that rights and duties go hand in hand, then there must be a duty to take humanitarian action, and not just in the Council.

Simply as examples: the target of 0.7 per cent of gross domestic product for official development assistance was accepted by developed countries because they agreed that this was essential to help alleviate the terrible human suffering that underdevelopment and poverty bring with it. Will the Council demand, under Chapter VII, that the States that accepted this commitment honour it?

A State where the crops have failed and faced with famine should be able to attack a neighbour and rob its granaries, claiming that it had the duty to take humanitarian action to protect the lives of its people.

The Council believes AIDS is a security threat. Thirty-five million people are infected, and tens of thousands die each day. The pharmaceutical companies that have the monopoly on the treatment keep the price unaffordably high, using Trade-Related Aspects of Intellectual Property Rights (TRIPS), to protect their profits. Should a State ravaged by AIDS have the right to take these medicines by force, if it can, citing a humanitarian duty to protect its citizens? Will the Security Council decide, under Chapter VII, that TRIPS does not apply for medicines that treat AIDS?

I do not have to belabour the point. This is a recipe for chaos and lawlessness in inter-State relations. It would destroy the edifice of international relations, built on respect for State sovereignty and non-interference in the internal affairs of States. It would, in fact, return us to the freebooting practices which the United Nations was created to end. And in international relations, as within States, when the law is bent or stretched, it is the weak who bear the brunt.

What then of the actions the Security Council has already taken or authorized, and which have been described as humanitarian? Kosovo is cited as a case in point, but last year the bombing of Kosovo was described as humanitarian action. The Council was drawn in, after the bombing stopped, and set up the United Nations Interim Administration Mission in Kosovo (UNMIK). Six months later, the Special Rapporteur for Human Rights in the Federal Republic of Yugoslavia reported that the only change was that the human rights of a different set of minorities were being massively violated.

There is in fact a very troubling pattern usually ignored or not acknowledged. In several countries, because of the suspicion now engendered that humanitarian assistance is driven by political motives, and that those who take humanitarian action also take sides, parties to a conflict have either targeted humanitarian workers or those they work for, or have refused them access. These fears can be allayed only if humanitarian assistance returns to its roots and humanitarian action is seen as apolitical, neutral and offered at request, in accordance with the guiding principles so clearly enunciated by the General Assembly in its resolution 46/182. The more the Security Council tries, perhaps with the best motives, to arrogate to itself the role to protect and promote humanitarian action, the more it is likely to work against the best interests of civilian populations at risk. The first of these humanitarian actions after the end of the cold war, in Somalia, ended disastrously, with repercussions which I do not need to remind the Council about.

The Secretary-General has often said that the international community does not respond consistently to

humanitarian emergencies. In 1998 natural disasters caused losses estimated at over $90 billion; preventable and curable diseases killed millions more that violence did. And yet it is on the macabre that the media fastens, often arbitrarily, sometimes with more political motives, driving decisions on which disasters the world and this Council should focus on and when. The media is not objective; it fixes the event, chooses the spotlight and relegates others to the shadows. It picks and chooses and creates "facts" and sweeps others away. It conjures up politically convenient realities. We have seen this in one theatre of conflict after another: the independent media as the handmaiden of power.

The Secretary-General's report to the fifty-fourth session of the General Assembly last year kicked off a lively debate on humanitarian intervention. The Foreign Ministers of the Non-Aligned Movement were categorical in the communiqué issued after their meeting on 23 September 1999: there was, they said, no right of humanitarian intervention. This was the collective view of countries representing two thirds of the membership of the United Nations. The Security Council, whose mandate is to act on behalf of the wider membership, would do well to pay heed to their voice.

But can we stand by and let people die, ask the proponents of humanitarian intervention, because international law does not permit it? Put like that, it places us on the horns of a sharp moral dilemma. But that is not the right question. When it addresses humanitarian crises, the international community naturally focuses on the immediate problem, not on the longer-term consequences. Superior firepower, mandated by the Council, might check forced migration, unblock food aid or put an end to genocide by paramilitary gangs, but unless we secure the conditions from which a measure of stability and prosperity might emerge, these evils tend to return. This longer-term consequence of humanitarian actions undertaken by the Security Council would imply that the United Nations should stay the course until a divided society heals itself. But, as with peacekeeping in the early 1990s, the number, size, complexity and duration of sustained humanitarian action would soon exhaust the coffers of the United Nations, forcing a sudden withdrawal. As then, that would make matters worse for the populations affected and for the United Nations.

The President: I thank the representative of India for his kind words addressed to us: my country and myself. The next speaker is the representative of Bulgaria. I invite him to take a seat at the Council table and to make his statement.

Mr. Dimitrov (Bulgaria): I would like to express my highest appreciation to you, Your Excellency, Mr. Abdus Samad Azad, Foreign Minister of Bangladesh, for conducting the present session of the Security Council in such an efficient way. My appreciation also goes to Ambassador Anwarul Chowdhury and his co-writers for their important role in the initiation of this open debate on the humanitarian aspects of issues before the Security Council.

I am grateful, too, to the Secretary-General for his lucid introductory remarks and for his consistent efforts to strengthen the response to humanitarian crises as an essential element of the work of the United Nations. In this regard, Bulgaria commends his timely initiative to launch a major review of United Nations peace operations, which we believe will cover certain important aspects of humanitarian relief.

Bulgaria has aligned itself with the statement made by the Ambassador of Portugal on behalf of the European Union. That is why I will confine my intervention to some remarks which are of particular importance to my delegation.

The issue of international cooperation in solving problems of a humanitarian character are not new for the United Nations. Ever since the entry into force of the United Nations Charter and the first practical steps taken by the Organization, humanitarian activities have been among its primary purposes and responsibilities. A number of provisions of the Charter, beginning with the Preamble and Article 1, underline the will of the United Nations to take effective, collective measures for facing problems of a humanitarian nature.

From a legal viewpoint, therefore, humanitarian action, when needed, very clearly represents one of the major *raisons d'etre* of the United Nations. However, seen from the historical perspective of the past 50 years, the progress achieved so far in the development of international humanitarian, refugee and human rights law, as well as of the normative basis for the protection of humanitarian and associated personnel, seems to be insufficient to face the diverse challenges posed by the increase in the number and complexity of humanitarian crisis situations. It is our belief that the guidelines adopted in this regard by the General Assembly and the Economic and Social Council, as well as the ongoing process for the adoption of additional legal instruments, will significantly contribute to filling the existing gap.

As the principal United Nations organ bearing the primary responsibility for the maintenance of international peace and security, the Security Council should evaluate humanitarian crisis dimensions and related implications for regional stability, while discussing and providing for effective responses to conflicts. Furthermore, we must not underestimate the important preventive and — in a way — deterrent role of humanitarian actions if rendered in time. In these cases, humanitarian assistance must be an integral part of peace settlements and considered not only as a means of reducing or alleviating human suffering, but, in a broader sense, as a prerequisite for rehabilitation, reconstruction and development. Otherwise, the exacerbation of the humanitarian situation in a specific country or region could have unpredictable consequences, including the deterioration of the political situation and the reopening of the conflict.

A case in point is the recent developments in Kosovo, which proved the necessity of the full, persistent and adequate engagement of the international community in strengthening the transition from an urgent humanitarian situation into a stable process of rehabilitation and reconstruction. The Council must send a strong political message to the parties involved in the conflict to respect the rights of all persons, with special attention being paid to the protection of minorities and other vulnerable groups.

Past decades have singled out problems of ineffective coordination, selectivity in response, excessive caution, donor fatigue and the phenomenon of forgotten emergencies, among others. Taking this into account, and given the complexity of humanitarian assistance, it is our firm conviction that close cooperation and strengthened coordination are indispensable among the Security Council, the Economic and Social Council, the United Nations specialized agencies and bodies, regional organizations and international and national non-governmental organizations. Of significant importance in this regard are the United Nations guiding principles for the coordination of emergency humanitarian assistance, adopted in 1991, as well as the agreed conclusions of the Economic and Social Council last year.

In conclusion, I would like to call on the Security Council and its members to continue to build closer formal and informal ties with the Economic and Social Council. While reassessing and reviewing the Security Council's working methods, my country is of the opinion that the implementation of Article 65 of the United Nations Charter can provide for concrete forms of effective cooperation between the Security Council and the Economic and Social Council. Further interaction between these two principal United Nations organs may also include regular joint briefings and joint meetings.

The President: I thank the representative of Bulgaria for the kind words he addressed to me and to my country.

The next speaker is the representative of Brazil. I invite him to take a seat at the Council table and to make his statement.

Mr. Fonseca (Brazil): Your presence among us, Mr. President, is a clear sign of the importance that your Government attaches to easing the hardships of those caught in humanitarian crises. We are grateful and honoured to see you presiding over the Security Council today.

It is a tragic truth that humanitarian crises recur all too frequently these days. They frequently derive from irrational human choices and epitomize the prevalence of violence over dialogue, the triumph of conflict over negotiation. The history of crises in places such as Somalia, Sierra Leone and the Democratic Republic of the Congo is well known.

The gloomy situation of disregard for basic rights and the outright neglect that characterizes so many humanitarian emergencies could instill a great deal of pessimism in those who worry about such tragedies. Although many situations are truly discouraging, to say the least, a generous movement of non-governmental and other organizations has not lost its impetus.

The complexities of assisting people in conflict situations are so daunting that we need to go beyond the spontaneous and — I insist — laudable work of non-governmental entities. The role the United Nations is to be a catalyst for international solidarity, so as to translate spontaneity into a comprehensive and coordinated effort to alleviate the suffering of those caught in distress and desperation.

We should ask ourselves a couple of questions. First, how can the United Nations as a whole improve effectiveness in humanitarian assistance? Secondly, what is the role of the Security Council in this context, and what are the limits and constraints on the Council in acting in this field?

In order to respond to the first question, we should recognize that any given complex emergency is a multifaceted phenomenon. In a sort of vicious circle, humanitarian crises not only and the consequence of armed conflicts but can also contribute to fuelling tensions that provide fertile ground for more violence. The flow of refugees and internally displaced persons is, to a great extent, a consequence of a combination of interrelated factors: disregard for humanitarian and human rights law, extreme poverty, the disruption of the social fabric and the lack of State institutions and basic public services. This list shows why such situations are called complex emergencies. The overlapping of a vast array of problems demands that efforts undertaken by the United Nations be coordinated.

Conflict resolution efforts must be coupled with short-term relief assistance, rehabilitation and long-term development programmes. The prerequisites to cooperation among all organs and agencies involved in humanitarian affairs are clarity of goals and effective coordination. By the same token, the interrelation of humanitarian affairs and security issues should not entail an automatic involvement of the Security Council.

Thus, the answer to my first question could be summed up in a word: coordination. The second question requires a more cautious answer, one that can hardly be summarized in one word.

The basis for the Security Council's action is, above all, the recognition that flagrant, grave and systematic violations of universally accepted international humanitarian and human rights law may pose a real threat to international peace and security. Security Council-mandated operations can contribute to improving the security of humanitarian personnel, but peacekeepers and civilian police are no substitutes for humanitarian agencies.

Whenever the word "humanitarian" is invoked, we should not forget the principles of humanity, neutrality and impartiality, which are all the tenets of humanitarian assistance. The Council has the responsibility of addressing the political side of conflicts and, while doing so, it should bear in mind the humanitarian aspects related to conflicts.

A tentative answer to my second question should take into consideration a few points. First, the role of the Security Council is to add to the work of the General Assembly, the Economic and Social Council, the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the World Food Programme and other humanitarian bodies and organs without trying to replace them.

Secondly, the convening of open debates like today's is useful and may be an opportunity to mobilize public opinion in donor countries and create a synergy among humanitarian agencies. In this regard, international attention, we hope, could be a vehicle to obtain more funds for the relief, reconstruction and development of the countries suffering from humanitarian crises.

Thirdly, the Council must take action only on extreme cases that pose real threats to international peace and security — which, unfortunately, are not infrequent. It is clear that the use of force can be allowed only by the Security Council, pursuant to the Charter of the United Nations.

Fourthly, the Council's decisions can contribute to improving the environment for humanitarian assistance, but the General Assembly and the Economic and Social Council keep the primary responsibility in providing policy guidance for the efforts deployed by the system.

Fifthly, if the Council is to preserve credibility while dealing with humanitarian issues, it must avoid selectivity. The focus of its decision should not be determined by the level of media exposure, but by the real humanitarian and security situation on the ground.

Finally, Security Council decisions should take into account the need to preserve the neutrality and impartiality of humanitarian assistance. Many organizations have been concerned that the use of the military for humanitarian activities, particularly in the context of Chapter VII operations, affects their ability to assist victims on all sides of the conflict.

Having said that, allow me to highlight a few concrete ways in which the Council might contribute to solving pressing humanitarian problems.

Through diplomacy, the Council may persuade warring parties to accept in practice the principle of safe and unimpeded access to those in need. When diplomacy and negotiations are not effective, the Council has at its disposal deterrent measures, such as indicating the possibility of bringing to justice those responsible for abuses. The Tribunals for Rwanda and the former Yugoslavia are good examples. The establishment of the International Criminal Court will be a leap forward in

combating impunity for crimes that are at the heart of today's humanitarian crises.

As a last resort, the Council may adopt enforcement measures, such as arms embargoes. It is essential that the Council set up reliable mechanisms with a view to monitoring the flow of weapons to regions torn by armed conflicts. The developing of "smart sanctions" is also an important alternative that should not be ruled out. By definition, such sanctions target the individuals who are directly responsible for wrongdoing.

I could go on and touch upon other areas, such as the use of troops or civilian police to prevent the diversion of aid for political or military purposes, but there is no need to be exhaustive. It is the rationale behind such examples that is important to retain in this context. The Council's actions can be conducive to a climate of compliance with international humanitarian and human rights obligations, which would have an obvious positive impact on the humanitarian situation.

The main challenge for the Security Council is to take measures, within the purview of its mandate, to bring the dire reality of modern conflict closer to the lofty ideals enshrined in international humanitarian and human rights law.

The President: I thank the representative of Brazil for the kind words he addressed to my country and to myself.

The next speaker is the representative of the Islamic Republic of Iran. I invite him to take a seat at the Council table and to make his statement.

Mr. Hosseinian (Islamic Republic of Iran): I am pleased to see you, Sir, presiding over our debate as the Foreign Minister of a country friendly to the Islamic Republic of Iran. Allow me also to express my appreciation and thanks to Mr. Chowdhury and his colleagues for organizing this open debate on the very important issue of humanitarian aspects of issues before the Security Council.

Several humanitarian crises in 1999, especially those in Kosovo and East Timor, helped intensify the discussion of how the international community should deal with humanitarian catastrophes. In the face of most such crises, there is a consensus on the need for immediate action to stop grave crimes, such as ethnic cleansing. We also believe that the international community cannot stand by and let thousands of people suffer gross and systematic violations of their fundamental rights.

Having already pronounced ourselves in favour of resolute action against the perpetrators of crimes in humanitarian crises, we believe that any international action, especially the use of force, must emanate from the Security Council as the organ primarily responsible for the maintenance of international peace and security, provided that it acts strictly in accordance with the letter and spirit of the United Nations Charter.

Undoubtedly, the international community has no other universally accepted legal basis for responding to unjustifiable acts of violence threatening international peace and security than the United Nations. It is within this Organization that we must overcome political limitations to be able to take action within the framework of the Charter. A key factor in this regard is prompt and early preventive action to ensure that most potential or actual crises are dealt with by peaceful means. The United Nations should opt for resolving conflicts before the necessity arises to resort to forceful actions.

It is clear that violations of international humanitarian law can be stopped only by taking action that is in accordance with the Charter. Lawlessness can be suppressed only by lawful methods. If we accept interventions outside the United Nations framework, we may be opening a Pandora's box, for there will always be some tendencies to cover the sinister designs for expansion through the use of force under the pretext of humanitarianism and the protection of minorities and ethnic groups.

Here, I would like to emphasize that we should not be driven to destroy the legal basis of what we know of as the state in the process of furthering humanitarian causes. Hence, we must remain vigilant against a growing trend towards undermining the principle of national sovereignty — one of the principles on which the United Nations itself was founded.

The Charter of the United Nations provides the basic criteria and mechanisms for responding to threats to international peace and security. As a last resort, the international community may employ coercive measures, including the use of military force, but this can be done only in strict conformity with the Charter and pursuant to a decision by the Security Council. We believe that enforcement actions without Security Council authorization and in contempt of the Charter tend to

undermine the current international security system. The experience of Kosovo — where the Council failed to agree on the necessary course of action and stood by watching the unsanctioned action by a regional organization — was detrimental to very basic principles of international relations, and the international community should strive to prevent a recurrence.

On the basis of this perspective, we note the readiness of the Security Council to consider, within the parameters of the Charter and given its own obligations, situations in which civilians are targeted or in which access to humanitarian assistance is deliberately impeded. Yet we must keep in mind that the Council must perform its tasks within the framework of its Charter obligations; that is to say, it must intervene in cases where international peace and security are threatened.

In this connection, I would like to reaffirm the need to rid ourselves of double standards in upholding international humanitarian law. The international community must give equal attention to all conflict situations that lead to loss of life or humanitarian catastrophes, regardless of where they take place or the political considerations of one country or another. It is disturbing that the Security Council has at times been too slow in responding to the conflicts in Africa and some other areas and too inadequate in committing itself in terms of the measures and resources it has authorized to address these problems. The threat of allowing financial considerations to influence decision-making on whether and how to respond to clear threats to international peace and security is a matter of great and growing concern. Such a practice can weaken the Council's authority and that of the Secretary-General in the planning and implementation of peacekeeping operations. There is a general perception that a uniform standard for responding to the outbreak of conflicts in all parts of the world is lacking.

A more credible and representative Security Council will be better equipped to fulfil its tremendous responsibility. The Council should be more transparent, more democratic and more accountable to the broader membership. The current situation — in which developing countries do not have an adequate and appropriate level of representation on the body charged by United Nations Members with the primary responsibility for the maintenance of international peace and security — should not be allowed to continue. In this context, more efforts are needed to streamline the decision-making process in the Council, so as to avoid the paralysis that often results from differences among the permanent members.

The President: I thank the representative of Islamic Republic of Iran for the kind words he addressed to me, my country and Ambassador Chowdhury.

There are no further speakers inscribed on my list. I intend to adjourn the meeting now. The next meeting of the Council to continue the consideration of the item on the agenda will take place immediately following the adjournment of the present meeting.

The meeting rose at 5.45 p.m.